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REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 24, 2006. In the Office Action, the Examiner notes that claims 1-7, 9-26, 28-45 and 51-58 are pending and rejected. By this response, none of the claims have been amended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Further, Applicants have addressed the Examiner's Double Patenting Rejections and submit that none of the claims are double patented under the statutory type of double patenting rejection, and that a terminal disclaimer will be filed for those claims being rejected for the judicially created doctrine of double patenting. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

REJECTIONS

Double Patenting

Obviousness Double Patenting

The Examiner has rejected claims 1, 6, 32, 42, 51, and 54 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over, respectively, claims 1, 7, 34, 43, 51 and 54 of copending Application Serial No. 09/628,805.

In response, Applicants will file a Terminal Disclaimer in the copending Application Serial No. 09/628,805 under 37 C.F.R. 1.130(b) upon indication of allowable subject matter if necessary. As such, Applicants respectfully request that the obviousness-type double patenting rejection be held in abeyance.

35 U.S.C. §103

Claims 42-45 and 51

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The Examiner has rejected claims 42-45 and 51 as being obvious and unpatentable under the provisions of 35 U.S.C. §103(a). In particular, the Examiner has rejected claims 42-45 and 51 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander (hereinafter "Alexander") in view of of U.S. Patent 6,493,872 to Rangan (hereinafter "Rangan") and U.S. Patent 5,724,521 to Dedrick (hereinafter "Dedrick"). Applicants respectfully traverse the rejection.

Applicants' independent claim 42 (independent claim 51 recites similar relevant limitations) recites:

> 42. A method for targeting virtual objects to subscribers in a television program delivery system, comprising:
> gathering information related to the subscribers;
> reporting gathered information related to the subscribers at their terminals to a remote location;
> analyzing the gathered information to determine a subscriber profile for one or more of the subscribers;
> correlating the subscriber profile with categories of virtual objects, wherein one or more virtual object categories includes at least one virtual object;
> selecting a first virtual object and a second virtual object from the correlated virtual object categories, wherein the selecting of the first and second virtual objects comprises:
> multiplying, for each at least one virtual objects, a virtual object group ranking percentage by a virtual object location group breakdown percentage to obtain a result for each virtual object; and
> ranking the results from best match to worst match; and
> designating the first virtual object for display in a video program to a first subscriber and the second virtual object for display in a video program to a second subscriber, wherein the designating of the first and second virtual objects comprising:
> assigning a weighting to each of the plurality of virtual objects; and
> executing a correlation algorithm. (emphasis added).

The present invention includes the feature of multiplying a virtual object group ranking percentage by a virtual object location group breakdown percentage. As stated on page 38, lines 13-16 of the specification, "the virtual object placement engine 1307 multiplies the virtual object's Group Ranking Percentage by the virtual object location's Group Breakdown Percentage for each group as an embodiment of block 2424 in Figure 16 ..."

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The Examiner correctly states that the combination of Alexander and Rangan fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects and assigning a weight. However, Examiner incorrectly states that Dedrick discloses those limitations. They are not taught or suggested in Dedrick as asserted by the Examiner.

Dedrick discloses a number of consumer variables characterizing the end users, which allows the software tool to place weights on the variables. A threshold is set up for the advertisers to pay the fees on advertisements depending on the amount of match for the particular advertisement (see, col. 6, lines 12-32). In another embodiment, Dedrick uses linear interpolation method to determine a percentage of the variables that must be satisfied by a percentage of the end user for the advertisers to pay a certain percentage of the maximum fee. Dedrick does not teach or suggest assigning virtual object including multiplying <u>a virtual object's group ranking percentage</u> by a <u>virtual object location's group breakdown percentage</u>.

Thus, Alexander, Rangan and Dedrick, singly or in combination, fail to teach or suggest claims 42 and 51 as a whole. Therefore, the combined references fail to teach or suggest Applicants' invention <u>as a whole</u>.

As such, Applicants submit that independent claims 42 and 51 and dependent claims 43-45 which depend directly or indirectly from independent claim 42 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 1-7, 9-26, 28-31, and 52-58

The Examiner has rejected claims 1-7, 9-26, 28-31 and 52-58 as being unpatentable over Alexander in view of Rangan, U.S. Patent 5,991,735 to Gerace (hereinafter "Gerace") and Dedrick. Applicants respectfully traverse the rejection.

The Alexander, Rangan, Gerace and Dedrick references alone and in combination fail to teach or suggest Applicants' invention <u>as a whole</u>.

Applicants' independent claims 1, 6, 26 and 52-54 recite different aspects of the present invention. All of the above claims include the feature of multiplying a virtual

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object group ranking percentage by a virtual object location group breakdown percentage. As stated on page 38, lines 13-16 of the specification, "the virtual object placement engine 1307 multiplies the virtual object's Group Ranking Percentage by the virtual object location's Group Breakdown Percentage for each group as an embodiment of block 2424 in Figure 16..."

The Examiner correctly states that the combination of Alexander, Rangan and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects and assigning a weight. However, Examiner incorrectly states that Dedrick discloses those limitations. They are not taught or suggested in Dedrick as asserted by the Examiner.

Dedrick discloses a number of consumer variables characterizing the end users, which allows the software tool to place weights on the variables. The tool also sets a threshold such that the fees paid by the advertisers on advertisements depending on the amount of match for the particular advertisement (see, col. 6, lines 12-32). In another embodiment, Dedrick uses linear interpolation method to determine a percentage of the variables that must be satisfied by a percentage of the end user for the advertisers to pay a certain percentage of the maximum fee. Dedrick does not teach or suggest assigning virtual object including multiplying <u>a virtual object's group ranking percentage</u> by <u>a virtual object location's group breakdown percentage</u>.

Thus, Alexander, Rangan, Gerace and Dedrick, singly or in combination, fail to teach or suggest independent claims 1, 6, 26, 52, 53 and 54 as a whole. Therefore, the combined references fail to teach or suggest Applicants' invention <u>as a whole</u>.

As such, Applicants submit that independent claims 1, 6, 26, 52, 53 and 54 and dependent claims 2-5, 7, 9-25, 28-31, and 55-58 which depend directly or indirectly from independent claims 1, 6, 26 and 54 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

Claims 32-41

The Examiner has rejected claims 32-41 as being unpatentable over Alexander in view of Rangan and Gerace. Applicants respectfully traverse the rejection.

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Applicants' independent claim 32 recites:

32.   A method for assigning targeted virtual objects to virtual object locations in one or more video programs, comprising:
    identifying the one or more video programs to carry the targeted virtual objects;
    assigning the targeted virtual objects to target categories;
    dividing one or more target categories into groups of viewers;
    ranking one or more of the video programs based on the target categories and <u>a first percentage of total viewers</u> in one or more groups of viewers;
    ranking the targeted virtual objects based on <u>a second percentage of total viewers</u> in one or more groups of viewers;
    determining, for one or more of the video programs and one or more of the targeting categories, targeted virtual objects with overall highest rankings, <u>based on the first and the second percentages</u>;
    assigning one or more targeted virtual objects as default virtual objects;
    assigning one or more targeted virtual objects as alternate virtual objects;
assigning the default virtual objects and the alternate virtual objects to the virtual object locations; and
    reporting the assigned virtual objects from terminals to a remote location. (emphasis added).

Applicants' independent claim 32 includes the limitations "determining... targeted virtual objects with overall highest rankings, based on the first and the second percentages" which the Examiner asserts is disclosed by Alexander on column 34, line 58-63. Alexander merely discloses that advertisement library, history of use, information boxes are used to analyze what ads to display. It is silent on using any percentages of viewers information. It does not disclose teach or suggest "determining... targeted virtual objects with overall highest rankings, based on the first and the second percentages" of the present invention. Both Rangan and Gerace also do not teach or suggest "determining... targeted virtual objects with overall highest rankings, based on the first and the second percentages." Thus, even if Alexander, Rangan and Gerace are operably combinable, the combined references still fail to teach or suggest Applicants' invention <u>as a whole</u>.

As such, Applicants submit that independent claim 32 and dependent claims 33-41 which depend directly or indirectly from independent claim 32 are not obvious and

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fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.
Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Applicants further submit that Applicants have addressed the Examiner's double patenting rejections. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____3/23/06_____

_____
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